

LAW OF ARMED CONFLICT



INTERNATIONAL LAW

**A BODY OF PRINCIPLES,
CUSTOMS, AND RULES
RECOGNIZED AS EFFECTIVELY
BINDING OBLIGATIONS BY
SOVEREIGN STATES AND SUCH
OTHER ENTITIES AS HAVE BEEN
GRANTED INTERNATIONAL
PERSONALITY**

von Glahn, Law Among Nations (6th Ed., 1992)

LAW OF ARMED CONFLICT

**THAT PART OF INTERNATIONAL
LAW THAT REGULATES THE
CONDUCT OF ARMED HOSTILITIES.**

- **ALSO CALLED THE LAW OF WAR AND
INTERNATIONAL HUMANITARIAN LAW**

LAWS OF ARMED CONFLICT

- **Prehistoric Times**
- **India**
- **China**
 - Sun-Tzu
- **Ancient Greece**
- **Ancient Rome**
- **Lieber's Code (1862)**
- **Solforino (1864)**



WHY LOAC?



LOAC PURPOSES

- **Limit the effects of the conflict**
- **Protect combatants and non-combatants from unnecessary suffering**
- **Safeguard fundamental rights of civilians, prisoners of war, wounded, sick and shipwrecked (“victims of war”)**
- **Prevent the conflict from becoming even worse**
- **Make it easier to restore peace once the conflict is over**

TWO BASIC DIVISIONS OF LOAC

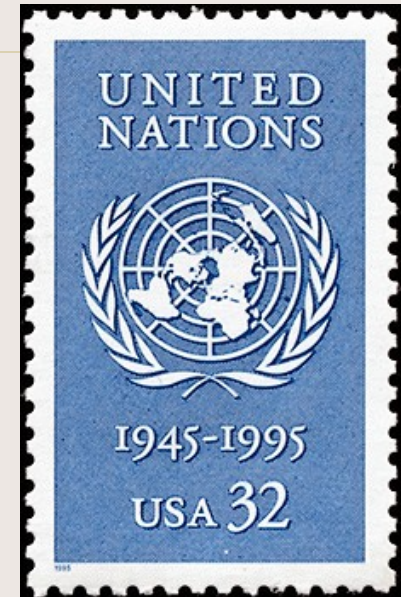
Jus Ad Bellum-

**Law Governing The
Decision To Go To War**

Jus In Bello-

**Law Governing The Way
War Is Waged**

JUS AD BELLUM



JUS IN BELLO



LAW OF ARMED CONFLICT

Sources

- **Customary Law**
- **Treaty Law**
 - **Hague Convention (1907)**
 - **Geneva Conventions (1949)**
 - **Geneva Protocols**

LAW OF ARMED CONFLICT

GENEVA CONVENTIONS OF 1949

- Protection of the Sick and Wounded in the Field
- Protection of the Sick, Wounded & Shipwrecked at Sea
- Protection of Prisoners of War
- Protection of Civilians in Occupied Areas

HAGUE AND GENEVA LAW

- HAGUE CONVENTIONS (1899 & 1907)
 - APPLICATION OF ARMED FORCE
 - USE AND LEGALITY OF WEAPONS
 - “HAGUE REGULATIONS”
- GENEVA CONVENTIONS OF 1949
 - PROTECTION OF *HORS DE COMBAT* AND NON-COMBATANTS
 - MINIMIZE UNNECESSARY SUFFERING
 - PROMOTE RESPECT FOR THE INDIVIDUAL

**HAGUE
WAGING WAR
AND
EMPLOYING
FORCE**

A Venn diagram with two overlapping circles. The left circle is yellow and contains the text 'HAGUE WAGING WAR AND EMPLOYING FORCE'. The right circle is red and contains the text 'GENEVA PROTECTION OF INDIVIDUALS'. The overlapping area in the center is orange.

**GENEVA
PROTECTION
OF
INDIVIDUALS**

APPLYING LOAC



APPLICATION OF LOAC TO INTERNATIONAL CONFLICTS

- **Customary law applies even if war has not been declared**
 - Including many LOAC principles
- **However, a convention may apply only to conflicts between two or more parties (States) to the convention (e.g., ENMOD Treaty)**



WHEN DOES LOAC APPLY?

- Must have an International Armed Conflict
 - Two or more States



WHAT IS NOT AN ARMED CONFLICT?

LOAC “shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflict.”

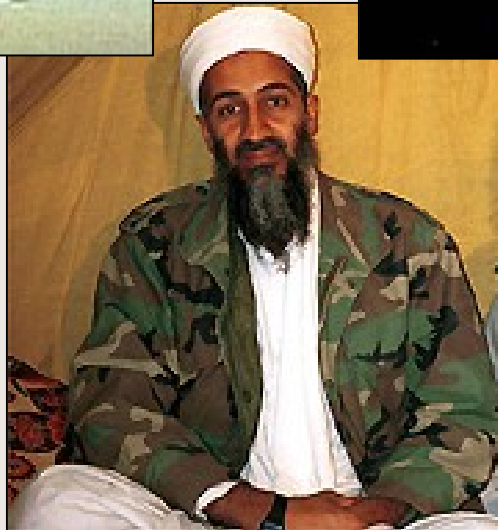
TARGET: IRAQ



TARGET: TELIBAN



TARGET: AL QAIDA

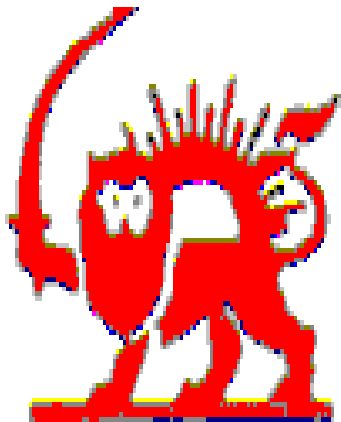
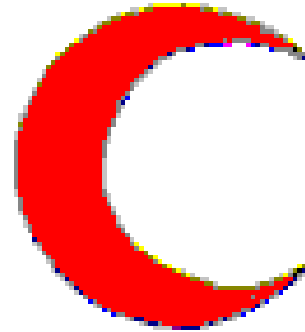
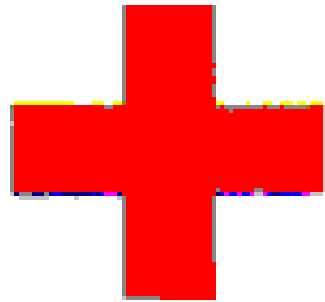


U.S POLICY ON LOAC

“The Armed Forces of the United States will comply with the law of war during all armed conflicts, however such conflicts are characterized and, unless otherwise directed by competent authorities, will comply with the principles and spirit of the law of war during all other operations.”

CJCSI 5810.01A

GENEVA CONVENTIONS OF 1949

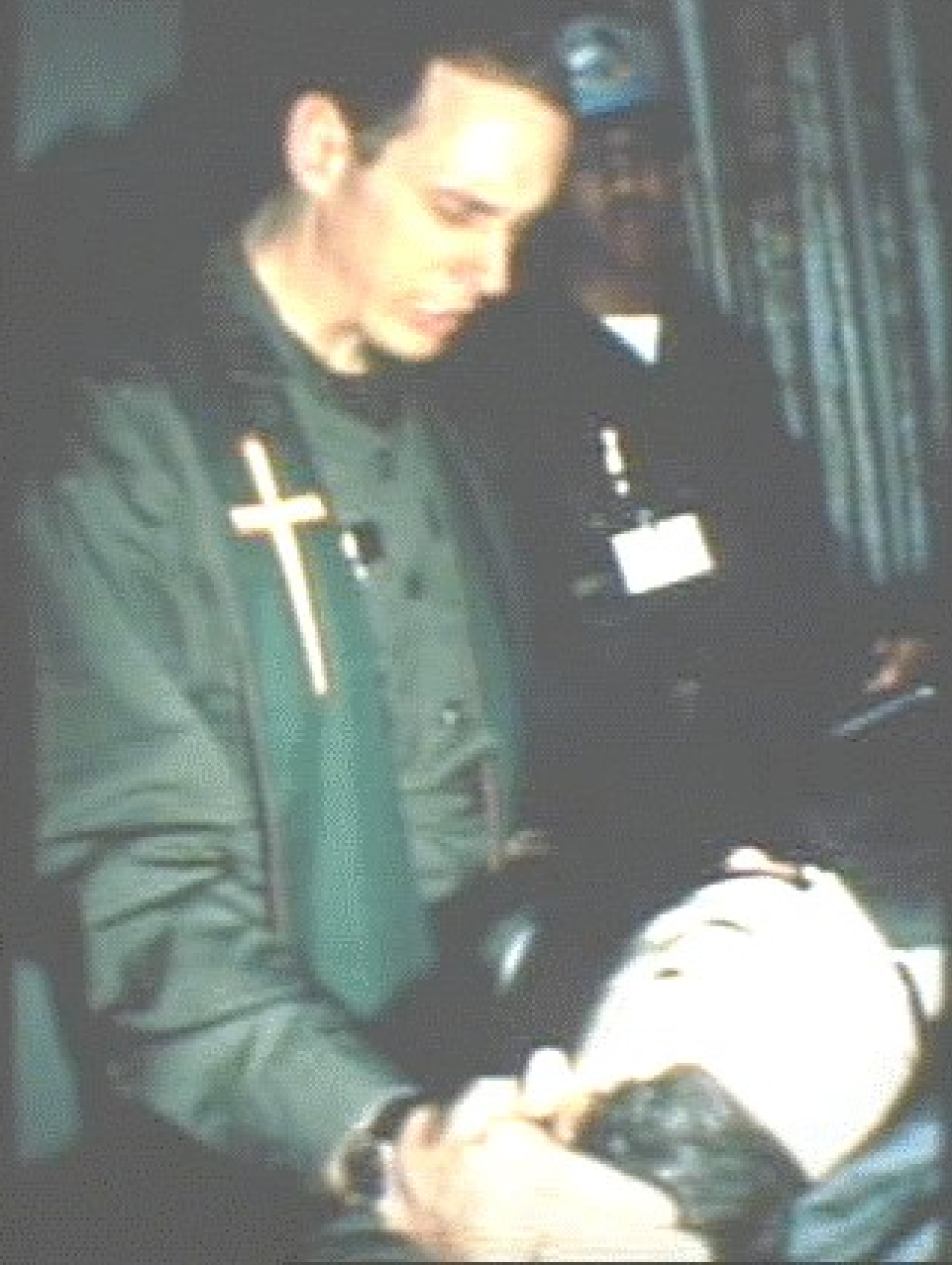


APPLICATION OF GENEVA CONVENTIONS

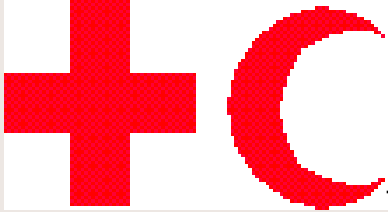
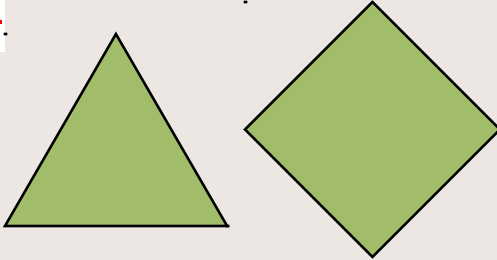
- **Geneva Conventions apply even if war has not been declared**
- **However, Geneva Conventions apply only to conflicts between two or more parties to the Conventions
(international conflicts)**
- **Only 2 countries have not ratified the Geneva Conventions**

GENEVA CONVENTION I WOUNDED AND SICK





PROTECTIVE EMBLEMS

- Medical 
- Cultural 
- POW Camp **PW**
- Internment Camp **IC**

GENEVA CONVENTION II WOUNDED AND SICK AT SEA



GENEVA CONVENTION III

PRISONERS OF WAR



PRISONER OF WAR STATUS

- COMBATANTS:
 - **ARMED FORCES**
 - **MILITIAS OR VOLUNTEERS**
- NONCOMBATANTS:
 - **WAR CORRESPONDENTS**
 - **CONTRACTORS & TECH REPS**
 - **MEDICAL PERSONNEL & CHAPLAINS**



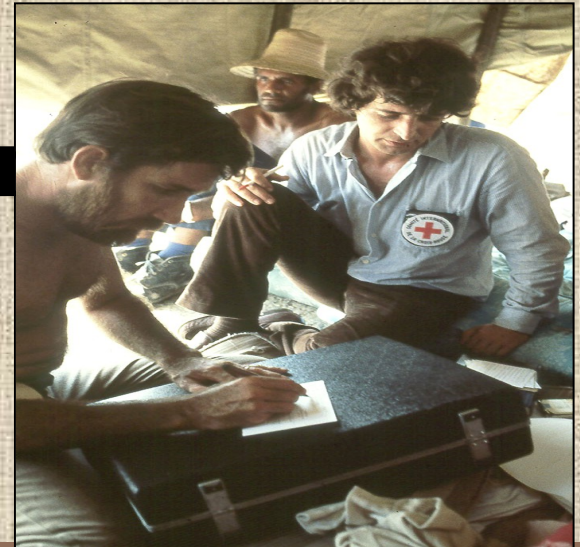
CAPTURE AND IMMEDIATE CARE

- Secure
- Search
- Silence
- Segregate
- Safeguard
- Speed To The Rear



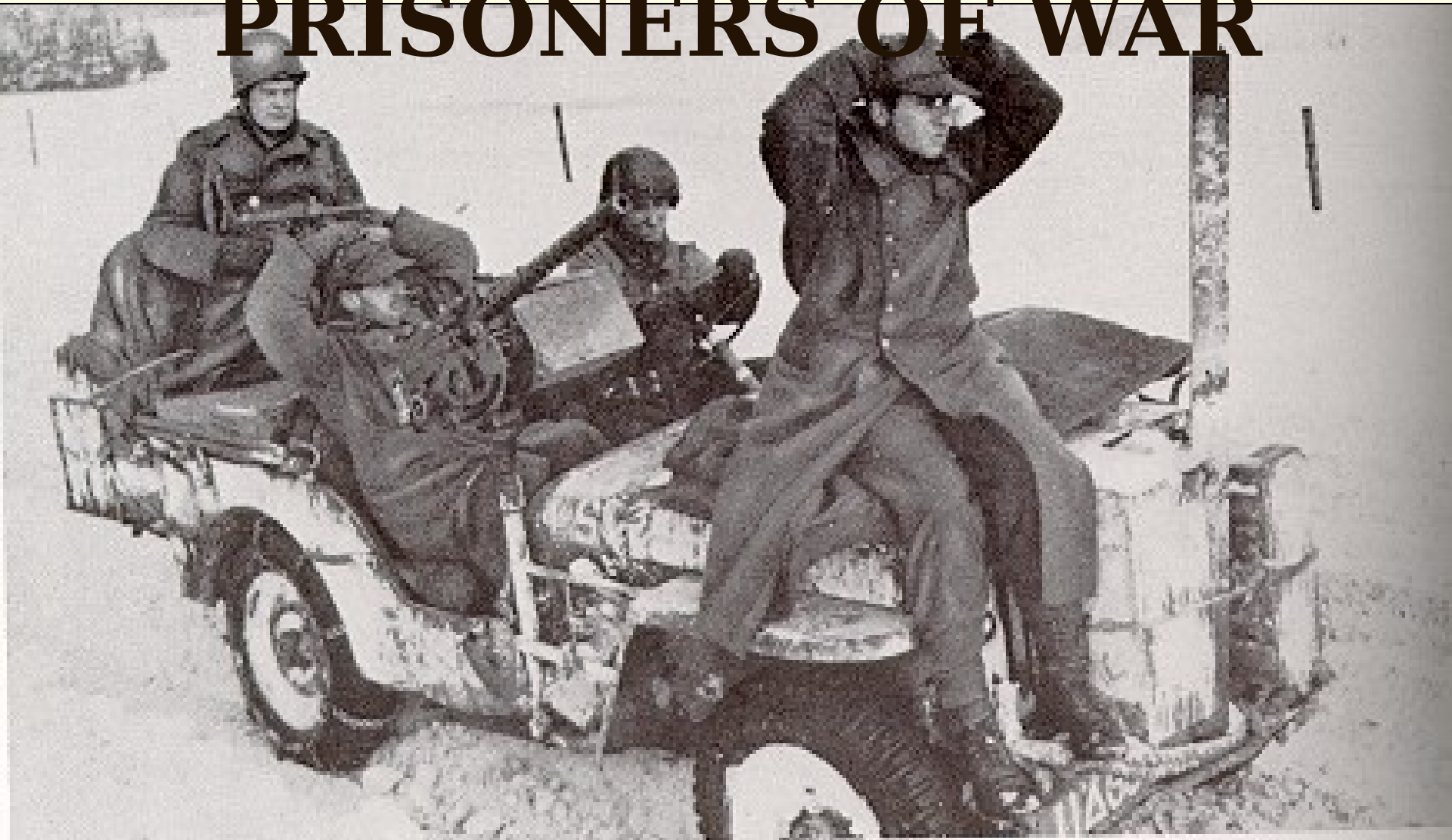
CONDITIONS OF TREATMENT

- **On Land**
- **Not Near Military Objects**
- **Accommodations Equal To Captors**
- **Morale Conditions**
- **Labor**
- **Discipline**



GENEVA CONVENTION III

PRISONERS OF WAR



GENEVA CONVENTION III PRISONERS OF WAR



GENEVA CONVENTION III

PRISONERS OF WAR



(AL JAZEER)



(ARABIA TV)



GENEVA CONVENTION

III

PRISONERS OF WAR



GENEVA CONVENTION III PRISONERS OF WAR

**Top U.S. official: Iraq
has executed some
POWs**

Thursday, March 27, 2003 Posted: 6:54 AM EST (1154 GMT)



GENEVA CONVENTION IV PROTECTION OF CIVILIANS



PROTECTIONS DURING OCCUPATION

- Public Safety
- Respect Family Honor
- Property Rights
- Religious Freedom
- No Forced Info or Oaths
- No Pillaging
- No Collective Punishment



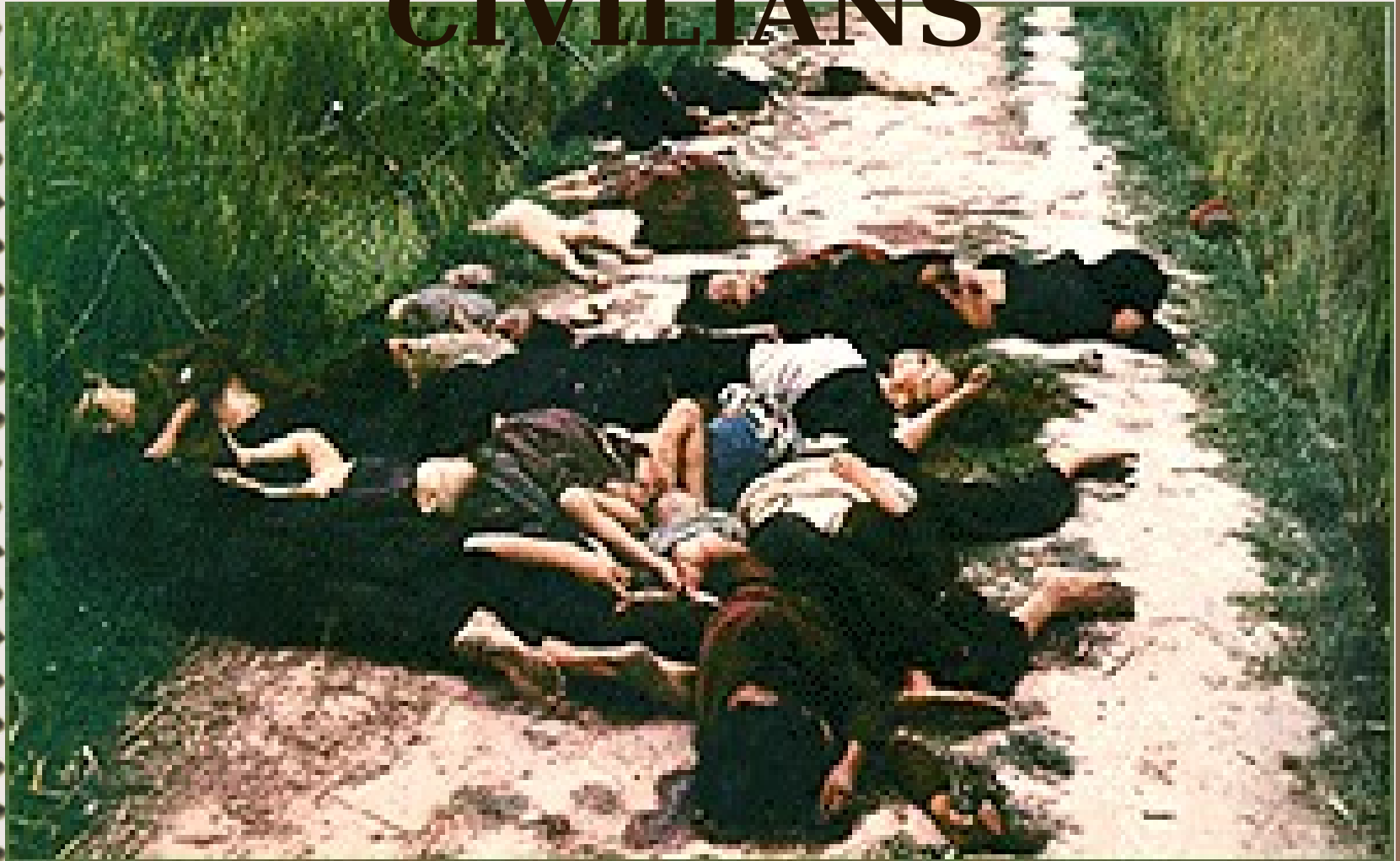
GENEVA CONVENTION IV PROTECTION OF CIVILIANS



GENEVA CONVENTION IV PROTECTION OF CIVILIANS



GENEVA CONVENTION IV PROTECTION OF CIVILIANS



HAGUE CONVENTIONS

- **Aerial warfare** - There is not a Hague convention, or any other convention, that addresses the entire topic
 - Some aerial warfare provisions in Geneva Conventions, Additional Protocol I to the Geneva Conventions of 1949 and Certain Conventional Weapons Convention of 1980
- **Bullets which expand or flatten easily in the human body (1899) (aka “dum-dum bullets”)**
- **Cultural property (1954)**

BASIC PRINCIPLES OF LOAC

- **Military
Necessity/Objective**
- **Distinction**
- **Proportionality**
- **Hum**  **ssary**
Suff

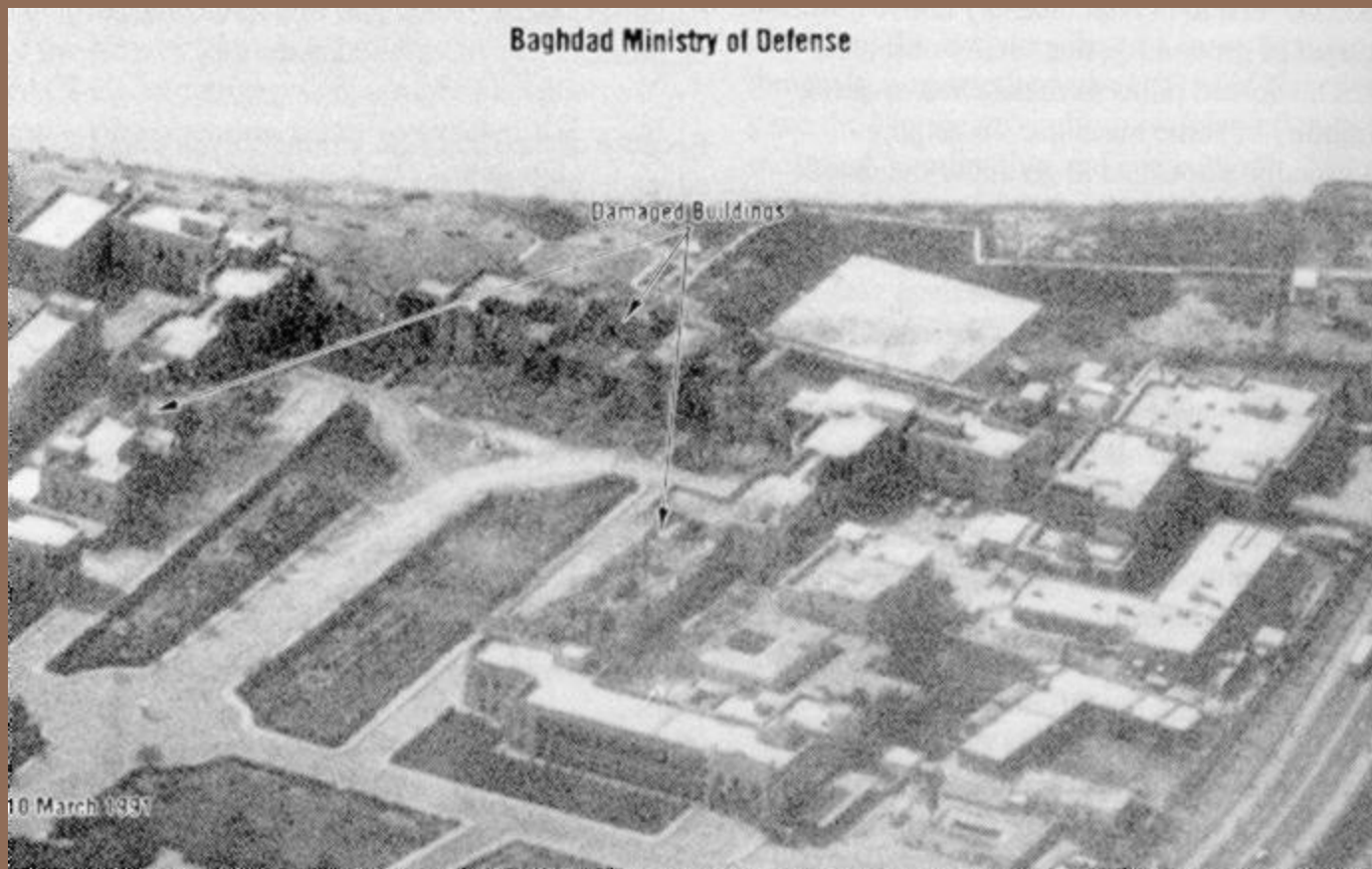
MILITARY OBJECTIVES

Those objectives which by their own nature, location, purpose, or use make an effective contribution to military action and whose total or partial destruction, capture, or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

LAWFUL TARGETS



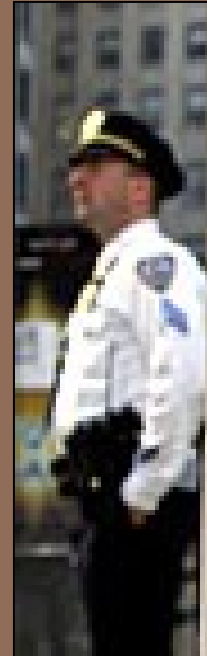
LAWFUL TARGETS



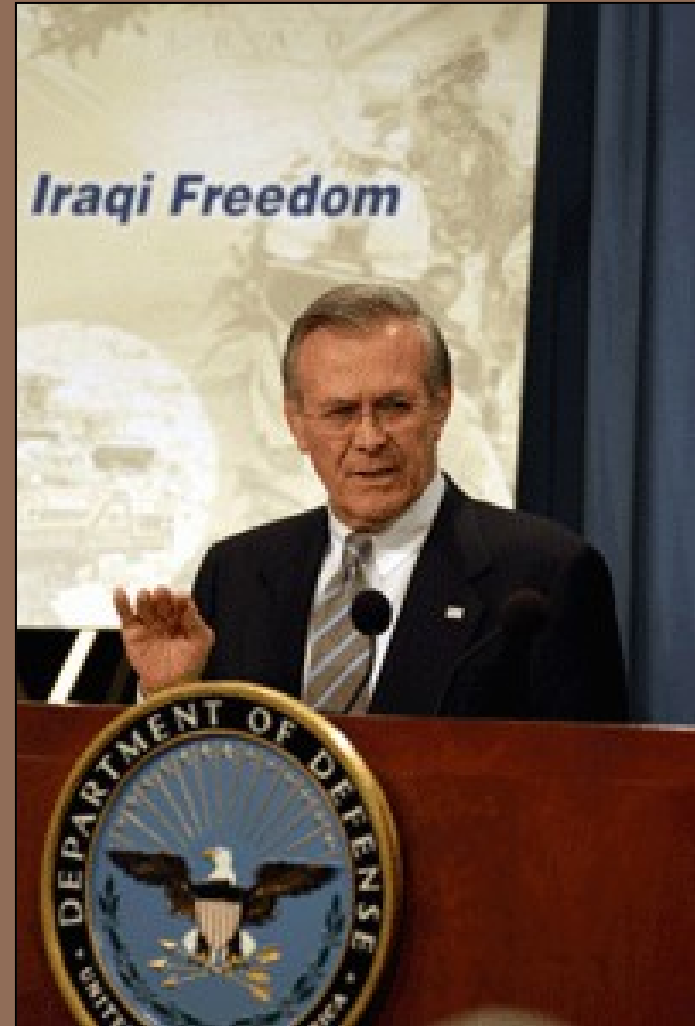
LAWFUL TARGETS



LAWFUL TARGETS



LAWFUL TARGETS



LAWFUL TARGETS



DISTINCTION

“Distinguish at all times between the civilian population and combatants, and between civilian objects and military objectives. Direct military operations only against military objectives.”

Art 48, GP I

DISTINCTION

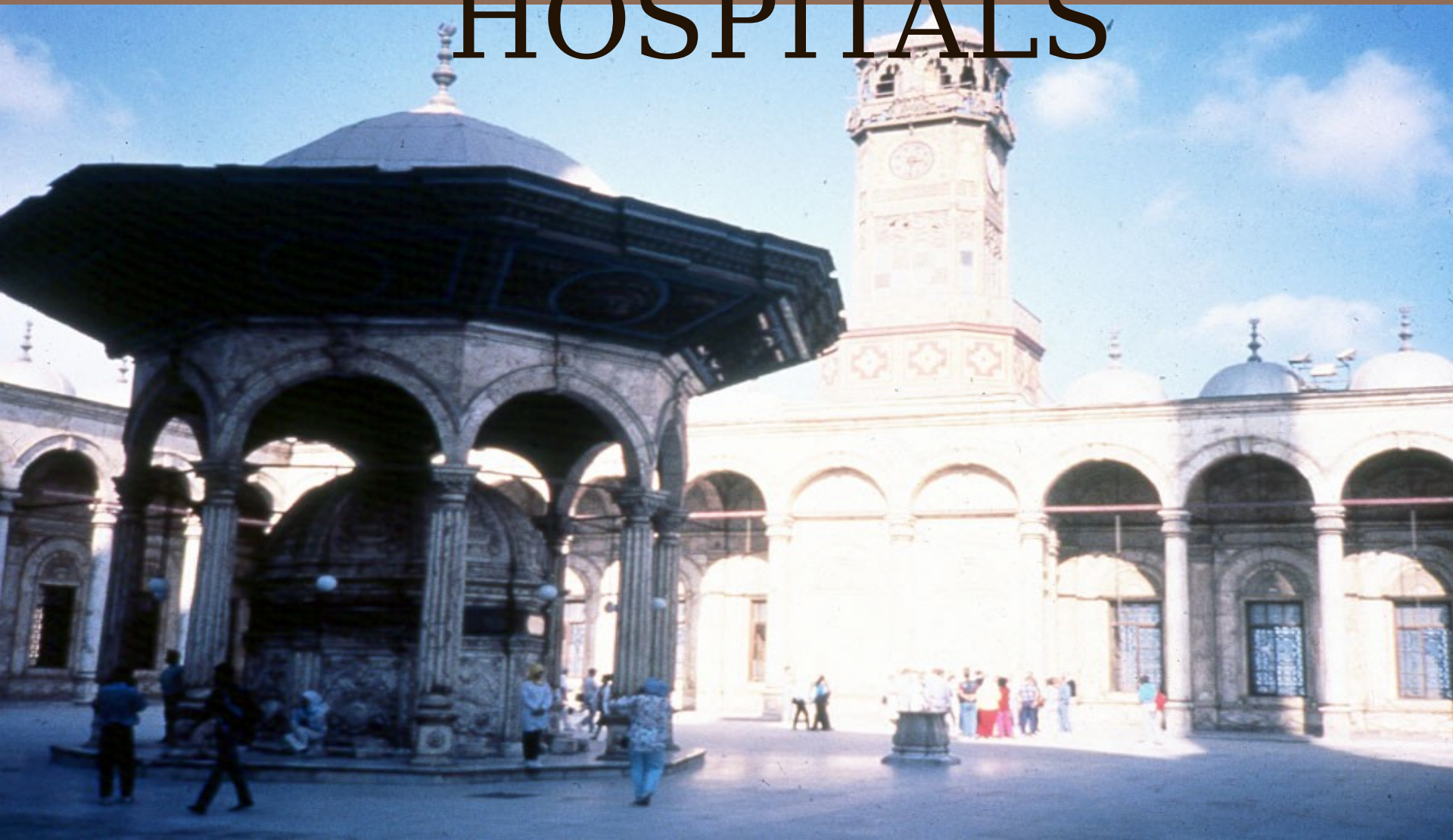


DISTINCTION

***“The civilian population . . .
Shall not be the object of
attack. Acts or threats of
violence to spread terror
among the civilian population
are prohibited.”***

Art 51, GP I

PROTECTED PLACES: CHURCHES, HOSPITALS



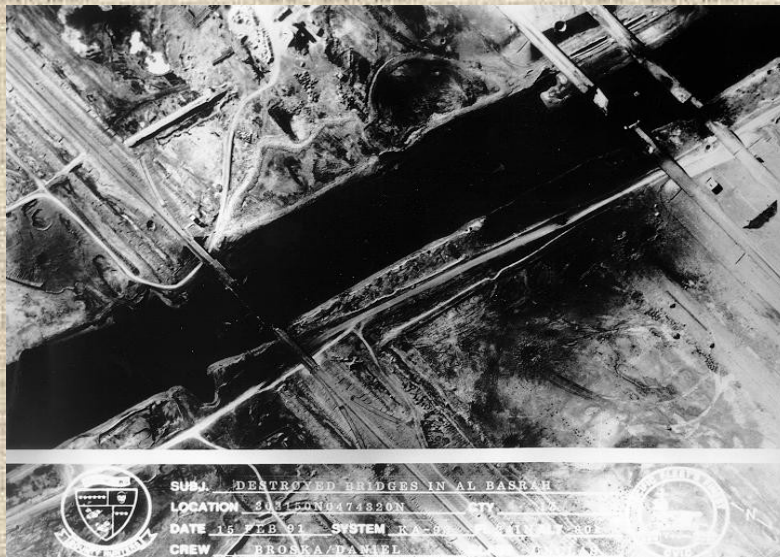
PROTECTED PLACES: CIVILIAN OBJECTS



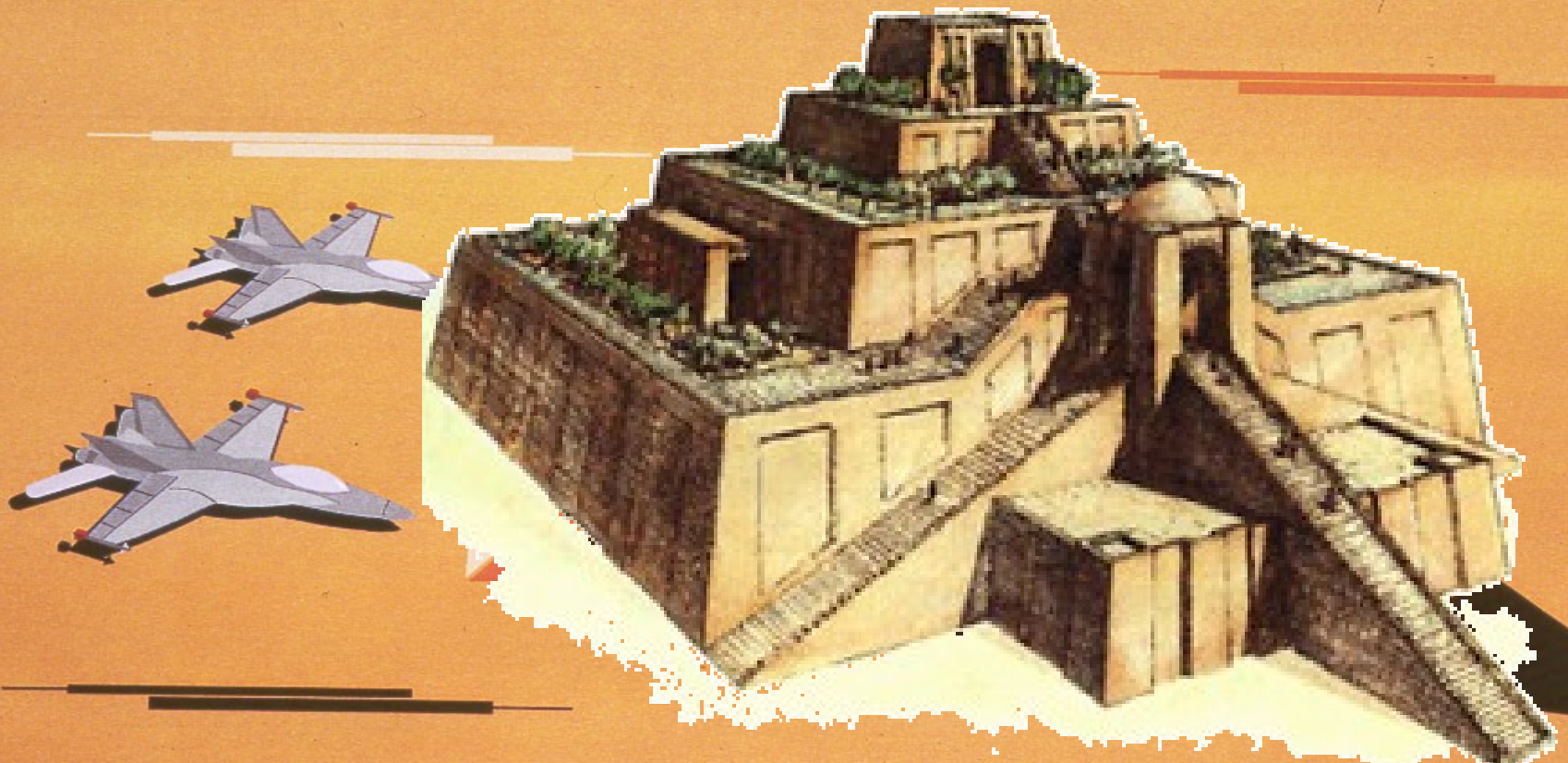
**Civilian
Housing**

CHIEF PROBLEMS IN LOAC

- Few Objects Are Unalterably Civilian In Nature
- Civilian And Military



PROTECTED PROPERTY, BUT. . .



LOSS OF PROTECTION

- **Intentional Use Of Protected Places**
- **Protected Persons and Objects**



PLACES: CHURCHES, HOSPITALS



PROPORTIONALITY



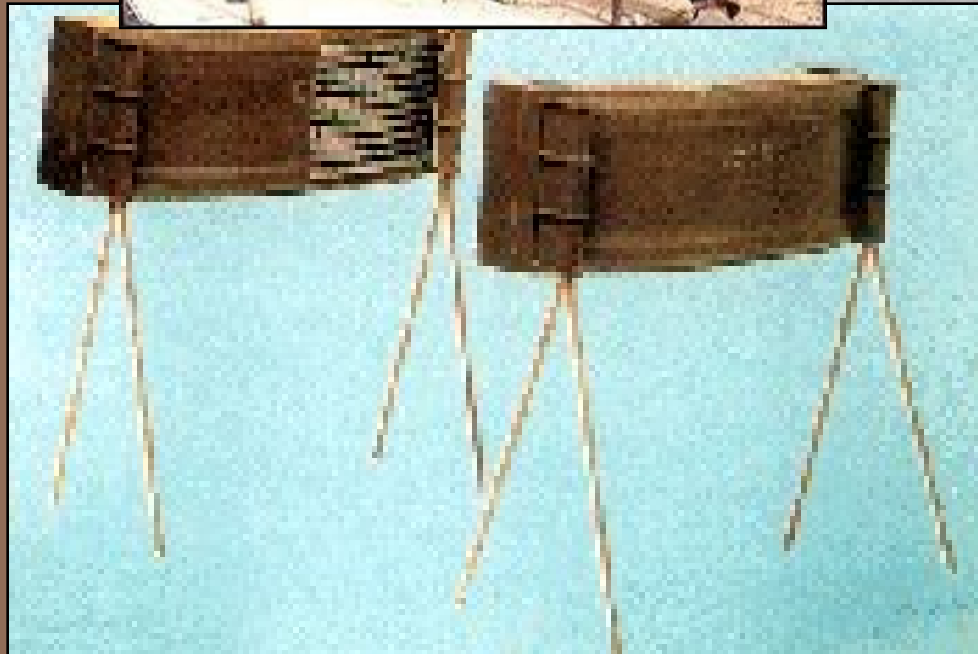
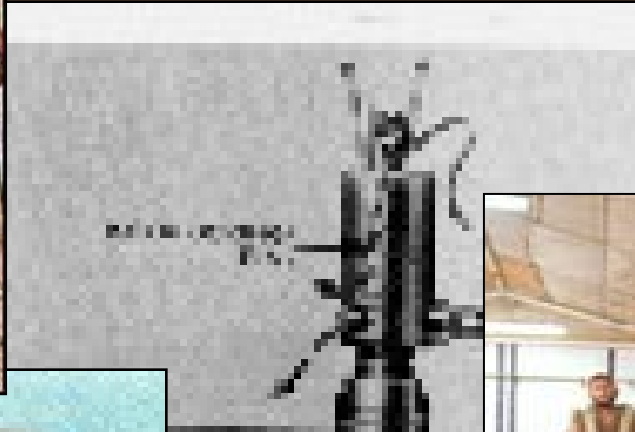
PROPORTIONALITY

- It is unlawful to conduct “an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”

HUMANITY

Prohibits the employment of any kind or degree of force not necessary for the purposes of war, that is, for the partial or complete submission of the enemy with the least possible expenditure of life, time, and physical resources (also referred to as the principle of unnecessary suffering).

HOT TOPIC: LANDMINES



INCENDIARY WEAPONS



HOT TOPIC: CBUs & DEPLETED URANIUM



HOT TOPICS: SMART WEAPONS

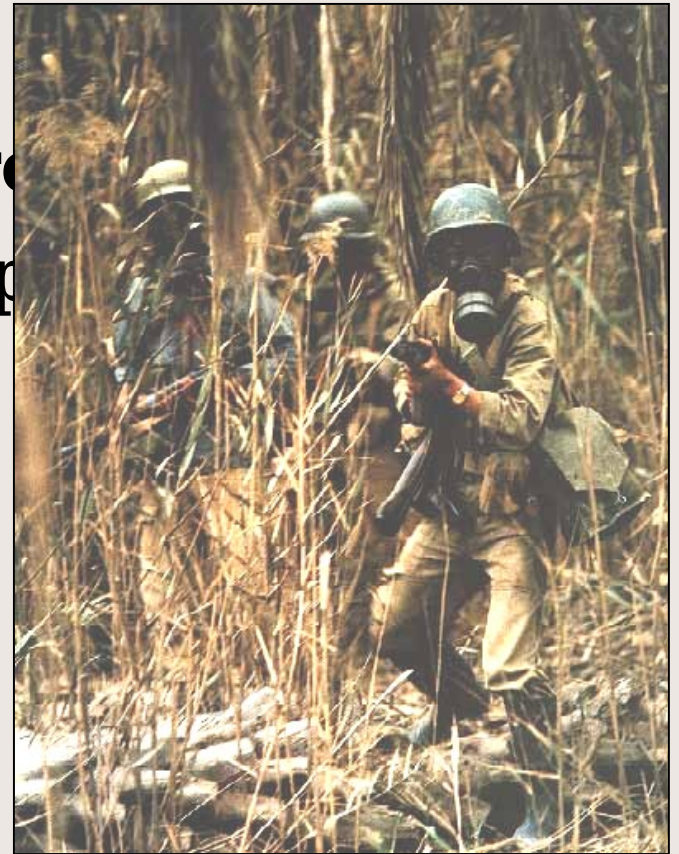


HOT TOPICS: SMART WEAPONS



CHEMICAL WEAPONS

- Conventions
- 1925 Geneva Gas Protocol
- 1993 Chemical Weapons Convention



BIOLOGICAL WEAPONS

- 1925 Gas Protocol
- 1972 Biological Weapons Convention



ENVIRONMENTAL WEAPONS

- Destruction of the Environment
- Environmental Alteration as a Weapon



MEANS AND METHODS OF WARFARE

- **Treachery And Perfidy**
- **Starvation**
- **Assassination**
- **Reprisals**
-



QUESTIONS

